

Report Date: August 22, 2011

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**AUG 23 2011**JAMES R. LARSEN DEPUTY  
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Nicholas Scott Ferryman

Case Number: 2:06CR02155-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 5/8/2007

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 37 Months; TSR - 38 Months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 5/7/2010

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 5/6/2013

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**PETITIONING THE COURT**

**To issue a bench warrant and incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 12/28/2010 and 5/10/2011.**

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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6	<b><u>Special Condition # 17:</u></b> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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**Supporting Evidence:** Nicholas Ferryman is considered in violation of his period of supervised release by using a controlled substance, cocaine, on or prior to August 15, 2011.

On August 15, 2011, the defendant was directed to report to the Richland probation office to provide a random urinalysis test. The sample returned presumptive positive for the presence of cocaine and was forwarded to Alere Toxicology Services for confirmation.

On August 20, 2011, the sample was confirmed positive for the presence of cocaine. The defendant was contacted and advised the sample had returned positive. The defendant stated, "I was afraid of that." When asked to explain why he was afraid, the defendant stated he had kept his prescribed medication in a container which had a "powdery substance" in it. The defendant further explained the residue must have covered his medication and caused the positive testing. The defendant had brought in multiple medications to the probation office on August 18, 2011, and dropped them off. The defendant did this of his own accord

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and stated he did not want them in his home. He never mentioned any issue with having them in a canister with cocaine residue nor did he advised at the time of providing the urine sample of any possible issues.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/22/2011

s/David L. McCary

David L. McCary  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation contained in this petition with the other violations pending before the Court.
- ☐ Other

  
Signature of Judicial Officer

08-23-2011  
Date